

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

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INDIAN HARBOR INSURANCE :  
COMPANY, :  
: Plaintiff, :  
: Case No. 12cv-5787 (JGK -KNF)  
- against - : ECF Case  
: THE CITY OF SAN DIEGO, :  
: Defendant :  
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**NOTICE OF MOTION AND MOTION TO DISMISS FOR LACK  
OF PERSONAL JURISDICTION AND FOR IMPROPER VENUE**

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*PRO HAC VICE*

PLEASE TAKE NOTICE that defendant City of San Diego hereby moves this Court, pursuant to Rules 12(b)(2), 12(b)(3) and 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing this action on the grounds that the Court lacks personal jurisdiction over this defendant, and that the venue in this action is improper.

This motion is and will be based on this Notice of Motion, the Memorandum of Law and the Request for Judicial Notice filed and served herewith, and upon the papers, records and pleadings on file herein.

DATED: October 2, 2012

CITY OF SAN DIEGO

Attorneys for Defendant  
City of San Diego

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